

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Florence M. Churchill**

Case No.: **19-28718**

Judge: **Poslusny**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original

☒ Modified/Notice Required

Date:

December 17, 2019

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney GAM Initial Debtor: FMC Initial Co-Debtor _____

Part 1: Payment and Length of Plan

- a. The debtor shall pay 275.00 Monthly to the Chapter 13 Trustee, starting on November 1, 2019 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description:
Proposed date for completion: _____
 - ☐ Refinance of real property:
Description:
Proposed date for completion: _____
 - ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Georgette Miller, Esq.	Attorney Fees	4,060.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
- ☒ None
 - ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim

pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Shellpoint	320 Byron Court Sicklerville, NJ 08081 Gloucester County Primary Residence	5,000.00	0.00	5,000.00	1,130.00
Specialized Loan Servi	8535 Michener Ave Philadelphia, PA 19150 Philadelphia County	3,000.00	0.00	3,000.00	700.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Apex Bank	7505 N. 21st Street Philadelphia, PA 19138 Philadelphia County	2,000.00	0.00	2,000.00	700.00

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES

the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Westgate Resorts	Westgate Villas XXIII Surrender	0.00	9,402.37

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
Bank of America
Housing and Urban Development
Pnc Bank

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor Arrears to be Cured in Nature of Contract or Lease Treatment by Debtor Post-Petition Payment Plan

Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ■ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ■ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ■ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions

- | | |
|----|------------------------------------|
| 2) | <u>Other Administrative Claims</u> |
| 3) | <u>Secured Claims</u> |
| 4) | <u>Lease Arrearages</u> |
| 5) | <u>Priority Claims</u> |
| 6) | <u>General Unsecured Claims</u> |

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: October 1, 2019.

Explain below why the plan is being modified: address the timeshare	Explain below how the plan is being modified: surrendering the timeshare
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Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>December 17, 2019</u>	<u>/s/ Florence M. Churchill</u> Florence M. Churchill Debtor
Date: _____	_____ Joint Debtor
Date: <u>December 17, 2019</u>	<u>/s/ Georgette Miller, Esq.</u> Georgette Miller, Esq. Attorney for the Debtor(s)

Certificate of Notice Page 7 of 8

United States Bankruptcy Court
District of New JerseyIn re:
Florence M Churchill
DebtorCase No. 19-28718-JNP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 40

Date Rcvd: Dec 20, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2019.

db
518599027 +Florence M Churchill, 320 Byron Court, Sicklerville, NJ 08081-1122
518491193 +Apex Bank, 430 Montbrook Lane, Suite 207-208, Knoxville TN 37919-2705
518491194 Bank of America, PO Box 15026, Wilmington, DE 19850-5026
518491196 +Bk Of Amer, 4909 Savarese Cir, Tampa, FL 33634-2413
+City of Pennsylvania, Parking Violations Branch, P.O. Box 41818,
Philadelphia, PA 19101-1818
518491195 +City of Pennsylvania, Parking Violations Branch, P.O. Box 56048,
Philadelphia, PA 19130-6048
518491215 +Eisner and Fowler, 76 Euclid Ave, Suite 101, Haddonfield, NJ 08033-2334
518567207 +Elizabeth K. Holdren, Esq., Hill Wallack, LLP, 21 Roszel Road, P.O. Box 5226,
Princeton, NJ 08543-5226
518491217 +Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297
518491220 +Housing and Urban Development, c/o C&L Service Corp., 2488 E. 81st St, Suite #700,
Tulsa, OK 74137-4267
518491221 +Media Members Federal Credit Union, 801 Market Street, Philadelphia, PA 19107-3126
518592622 NewRez LLC d/b/a Shellpoint Mortgage Servicing, P.O. Box 10826, Greenville, S.C. 29603-0826
518491222 +PA Department of Revenue, Bureau of Compliance, Lien Section, Harrisburg, PA 17128-0001
518579534 +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982
518565321 +Philadelphia Gas Works, 800 W. Montgomery Ave, Philadelphia PA 19122-2898
518491225 +Philadelphia Water Department, 8535 Michener Avenue, Philadelphia, PA 19150-1601
518491224 +Philadelphia Water Department, 7505 N. 21st Street, Philadelphia, PA 19138-2210
518491226 +Pnc Bank, 103 Bellevue Pkwy, Wilmington, DE 19809-3701
518491227 +Receivable Management Corp, 400 West Cummings Park, Ste #4450, Woburn, MA 01801-6594
518491228 +Shellpoint, 75 Beattie Pl Ste 300, Greenville, SC 29601-2138
518491229 +Specialized Loan Servi, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129-2386
518575311 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
Highlands Ranch, Colorado 80129-2386
518512750 +Square Capital, c/o RMS Bankruptcy Recovery Services, P.O. Box 19253,
Minneapolis, MN 55419-0253
518491230 +Square Capital, LLC, 1425 Market Street, Suite 600, San Francisco, CA 94103-1308
518491231 +Sun National Bank, 226 Landis Av, Vineland, NJ 08360-8142
518491232 +Sunrise Credit Services, 260 Airport Plaza-Po Box 9100, Farmingdale, NY 11735-9100
518516214 +US Department of HUD, 451 7th Street SW, Washington DC 20410-0001
518491234 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
(address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir,
Frederick, MD 21701)
518491235 +Westgate Vacation Villas Owners Assoc., 2801 Old Winter Gardens Road, Ocoee, FL 34761-2965

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg

E-mail/Text: usanj.njbankr@usdoj.gov Dec 21 2019 00:56:44 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Dec 21 2019 00:56:38 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
518491192 +E-mail/Text: account.services@apexbank.com Dec 21 2019 00:57:35 Apex Bank, PO Box 549,
Camden, TN 38320-0549
518523634 E-mail/PDF: resurgentbknofications@resurgent.com Dec 21 2019 01:03:03 CACH, LLC,
c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
518491203 +E-mail/Text: bankruptcy@philapark.org Dec 21 2019 00:57:32 City of Philadelephia,
PO Box 41818, Philadelphia, PA 19101-1818
518491204 +E-mail/Text: bankruptcy@philapark.org Dec 21 2019 00:57:32 City of Philadelphia,
Parking Violations Branch, PO Box 41819, Philadelphia, PA 19101-1819
518491209 +E-mail/PDF: pa_dc_ed@navient.com Dec 21 2019 01:03:25 Dept Of Ed/navient, Po Box 9635,
Wilkes Barre, PA 18773-9635
518504152 +E-mail/Text: bankruptcy@philapark.org Dec 21 2019 00:57:33 Philadelphia Parking Authority,
701 Market St, Suite 5400, Philadelphia PA 19106-2895
518491223 +E-mail/Text: bankruptcy@philapark.org Dec 21 2019 00:57:33 Philadelphia Parking Authority,
3101 Market Street, Philadelphia, PA 19104-2806
518491233 +E-mail/PDF: gecsed@recoverycorp.com Dec 21 2019 01:03:17 Synchb/care Credit,
C/o Po Box 965036, Orlando, FL 32896-0001
518493535 +E-mail/PDF: gecsed@recoverycorp.com Dec 21 2019 01:02:48 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518491214 Economic Opportuniti
518491216 Enterprise Center Capi

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 40

Date Rcvd: Dec 20, 2019

518491197* +City of Pennsylvania, Parking Violations Branch, P.O. Box 41818,
Philadelphia, PA 19101-1818
518491198* +City of Pennsylvania, Parking Violations Branch, P.O. Box 41818,
Philadelphia, PA 19101-1818
518491199* +City of Pennsylvania, Parking Violations Branch, P.O. Box 41818,
Philadelphia, PA 19101-1818
518491200* +City of Pennsylvania, Parking Violations Branch, P.O. Box 41818,
Philadelphia, PA 19101-1818
518491201* +City of Pennsylvania, Parking Violations Branch, P.O. Box 41818,
Philadelphia, PA 19101-1818
518491202* +City of Pennsylvania, Parking Violations Branch, P.O. Box 41818,
Philadelphia, PA 19101-1818
518491205* +City of Philadelphia, Parking Violations Branch, PO Box 41819,
Philadelphia, PA 19101-1819
518491206* +City of Philadelphia, Parking Violations Branch, PO Box 41819,
Philadelphia, PA 19101-1819
518491207* +City of Philadelphia, Parking Violations Branch, PO Box 41819,
Philadelphia, PA 19101-1819
518491208* +City of Philadelphia, Parking Violations Branch, PO Box 41819,
Philadelphia, PA 19101-1819
518491210* +Dept Of Ed/navient, Po Box 9635, Wilkes Barre, PA 18773-9635
518491211* +Dept Of Ed/navient, Po Box 9635, Wilkes Barre, PA 18773-9635
518491212* +Dept Of Ed/navient, Po Box 9635, Wilkes Barre, PA 18773-9635
518491213* +Dept Of Ed/navient, Po Box 9635, Wilkes Barre, PA 18773-9635
518491218* +Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297
518491219* +Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297

TOTALS: 2, * 16, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 22, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 17, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Specialized Loan Servicing, LLC
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Elizabeth K. Holdren on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing as
servicer for The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the
Certificateholders of CWALT, Inc., Alternative Loan Trust 2007- eholdren@hillwallack.com,
jhanley@hillwallack.com/hwbknj@hillwallack.com
Georgette Miller on behalf of Debtor Florence M Churchill info@georgettemillerlaw.com,
georgettemillerlaw@gmail.com/gmecfmail@gmail.com/dmayberry@georgettemillerlaw.com/smithcr50524@no
tify.bestcase.com/GNonnenberg@georgettemillerlaw.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Jennifer R. Gorchow on behalf of Trustee Isabel C. Balboa jgorchow@standingtrustee.com
Kevin Gordon McDonald on behalf of Creditor Specialized Loan Servicing, LLC
kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7